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7 VITAS HEALTHCARE CORPORATION
8 OF CALIFORNIA and VITAS
HEALTHCARE CORPORATION

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 ROSANNA M. PEREZ, an
individual,

13 Plaintiff,

14 vs.

15 VITAS HEALTHCARE
16 CORPORATION OF
CALIFORNIA, a Delaware
17 corporation; VITAS HEALTHCARE
CORPORATION, a Delaware
18 corporation; and DOES 1 through
50, inclusive,

19 Defendants.
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Case No. 2:16-cv-01681 DSF (AJWx)
Hon. Dale S. Fisher – Dept. 7D

**DEFENDANTS' REPLY TO
PLAINTIFF'S EVIDENTIARY
OBJECTIONS RE: DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

[Filed concurrently with Defendants'
Reply Memorandum of Points and
Authorities; Defendants' Reply to
Plaintiff's Statement of Genuine
Disputes; and Defendants' Objections to
Plaintiff's Evidence]

Date: March 27, 2017
Time: 1:30 p.m.
Dept.: 7D

State Court Case No: BC608926

Complaint Filed: February 3, 2016

Defendants VITAS Healthcare Corporation of California and VITAS Healthcare Corporation (collectively, “VITAS” or “Defendants”) hereby submit the following Reply to Plaintiff’s objections to the evidence cited in Defendants’ Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, as follows:

Separate Statement Paragraph No. 3:

“Perez was told that she was not meeting her sales goals and had a conversation with her supervisor about her “waning” admissions sales rate.” Pl. Dep. 63:7-9; 67:1-3.

Plaintiff’s Objection: This statement violates the rule of completeness. Fed. R. Evid. 106.

Defendants’ Reply:

Plaintiff’s objection is without basis and does not contest the accuracy or probative value of the cited evidence. Plaintiff’s objection and explanation simply adds irrelevant and immaterial commentary for why she believed her admission sales rate was “waning” but does nothing to establish grounds on which the cited evidence should be disregarded. Accordingly, the court should overrule Plaintiff’s objection.

Separate Statement Paragraph No. 16:

“Giles and Ayala both had been diagnosed with cancer and Ayala underwent her cancer treatment during her employment at VITAS. Pl. Dep. 77:6-13; 81:24-82:5; 97:4-7; Deposition of Nicole Giles (“Giles Dep.”) 55:22-56:3.

Plaintiff’s Objection: This statement is irrelevant; waste of time; confusing the issues. Fed. R. Evid. 401, 403.

Defendants’ Reply:

A “waste of time [and] confusing the issues” is not a valid objection under the Federal Rules of Evidence. Moreover, the cited evidence is relevant to the non-existence of discriminatory animus, which is at issue in this case and motion.

1 Accordingly, the court should overrule Plaintiff's objection.

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3 **Separate Statement Paragraph No. 17:**

4 "Giles and Ayala remain employed at VITS' Coastal Cities Program."

5 **Plaintiff's Objection:** This statement is irrelevant; waste of time; confusing the
6 issues. Fed R. Evid. 401, 403.

7 **Defendants' Reply:**

8 A "waste of time [and] confusing the issues" is not a valid objection under
9 the Federal Rules of Evidence. Moreover, the cited evidence is relevant to the non-
10 existence of discriminatory animus, which is at issue in this case and motion.

11 Accordingly, the court should overrule Plaintiff's objection.

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13 Dated: March 13, 2017

HIRSCHFELD KRAEMER LLP

14
15 By: /s/ Ferry E. Lopez

16 Reed E. Schaper

Ferry Lopez

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